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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,112	01/30/2004	Hiroshi Kobayashi	80A 3524	7194
3713	7590	09/16/2005	EXAMINER	
KODA & ANDROLIA 2029 CENTURY PARK EAST SUITE 1140 LOS ANGELES, CA 90067			HOWELL, DANIEL W	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/769,112	Applicant(s) KOBAYASHI, HIROSHI	
	Examiner Daniel W. Howell	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-23-04</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3722

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parmalee (242,362) in view of EPO 0775560. Parmalee shows a wood bit having a central tip screw D, two cutting edges B, and scribing edges C trailing each of the cutting edges. Note from figure 3 that the cutting edge B extends fully to the outer periphery of the bit to form a sharp blade point, and that the scribing edges C are located slightly circumferentially rearward from the blade points. Figures 7a-7c of EPO '560 shows a similar wood bit having cutting edges 9 and scribing edges 7. Note from figure 7b that the scribing edges are located circumferentially behind point 9a of cutting edge 9. As stated in the Abstract, two or three flutes and cutting edges may be provided for ejecting the cutting chips. In view of this teaching of EPO '560, it is considered to have been obvious to have provided Parmalee with three cutting edges and flutes in order to more effectively remove chips from the cutting edges.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parmalee (242,362) in view of Japanese 6-179109. Parmalee shows a wood bit having a central tip screw D, two cutting edges B, and scribing edges C trailing each of the cutting edges. Note from figure 3 that the cutting edge B extends fully to the outer periphery of the bit to form a sharp blade point, and that the scribing edges C are located slightly circumferentially rearward from the blade points. Japanese '109 shows a similar bit having a central point 5, an outer scribing edge 7, and a cutting edge located between the scribing edge 7 and point 5. As stated in the Abstract,

Art Unit: 3722

two or three grooves 2 may be provided in order to provide sufficient space to effectively remove the cutting chips. In view of this teaching of Japanese '109, it is considered to have been obvious to have provided Parmalee with three cutting edges and flutes in order to more effectively remove chips from the cutting edges.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parmalee (242,362) in view of UK 2219229. Parmalee shows a wood bit having a central tip screw D, two cutting edges B, and scribing edges C trailing each of the cutting edges. Note from figure 3 that the cutting edge B extends fully to the outer periphery of the bit to form a sharp blade point, and that the scribing edges C are located slightly circumferentially rearward from the blade points. UK '229 shows in figures 1-3 a similar bit having a central point and three cutting edges and flutes. As stated at page 3 of UK '229, when compared with a bit having two flutes and cutting edges, the three cutting edges/flutes provide improved life over a bit having only two cutting edges/flutes. Further, UK '229 explains that the tool having three cutting edges provides better guidance properties than a bit having two cutting edges. It is considered to have been obvious to have provided Parmalee with three cutting edges as taught by UK '229 in order to provide longer tool life and better guidance properties.

5. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Derris Banks, may be reached at 571-272-4419.

Art Unit: 3722

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

A handwritten signature in black ink, appearing to read 'Howell', is positioned above the printed name.

Daniel W. Howell
Primary Examiner
Art Unit 3722